

Civil Action No. 99-CV-2496 (GK)

that were not otherwise already available to the public. Further responding, Philip Morris refers to its response to Request No. 33.

REQUEST NO. 36: Admit that cigarettes are addictive.

RESPONSE: Subject to and without waiving its General Objections, Philip Morris admits that cigarette smoking is addictive. Except as expressly admitted, Philip Morris denies this Request.

REQUEST NO. 39: Admit that nicotine is a substance in cigarettes that is addictive.

RESPONSE: Subject to and without waiving its General Objections, Philip Morris admits that cigarette smoking is addictive. Except as expressly admitted, Philip Morris denies this Request.

REQUEST NO. 46: Admit that in 1969, a Philip Morris researcher told the Philip Morris Board of Directors that "the psychosocial motive is not enough to explain continued smoking. . . . We are of the conviction . . . that the ultimate explanation for the perpetuated cigaret habit resides in the pharmacological effect of smoke upon the body of the smoker, the effect being most rewarding to the individual under stress." (PM Doc. No. 100276678/6690).

RESPONSE: Subject to and without waiving its General Objections, Philip Morris admits that the language quoted in this Request appears in the document referenced in this Request dated November 26, 1969, prepared by a then Philip Morris researcher and addressed to the Philip Morris Board of Directors, but denies that this language is quoted in context or in its entirety. Except as expressly admitted, Philip Morris denies this Request.

REQUEST NO. 47: Admit that in 1972, a Philip Morris nicotine researcher wrote a paper that stated: "Think of the cigarette pack as a storage container for a day's supply of nicotine. Think of the cigarette as a dispenser for a dose unit of nicotine. Think of a puff of smoke as the vehicle for nicotine. Smoke is beyond question the most optimized vehicle of nicotine." (PM Doc. No. 2056121547/1564).

RESPONSE: Philip Morris objects to this Request on the ground that the phrase "nicotine researcher" is argumentative. Subject to and without waiving its specific and General Objections, Philip Morris admits that the language quoted in this Request appears in a 1981

www.philipmorrisusa.com, for the first time in 2000: "We agree with the overwhelming medical and scientific consensus that cigarette smoking is addictive."

REQUEST NO. 69: Admit that your decision to state publicly your agreement that "cigarette smoking is addictive" was not prompted by your learning any scientific or medical information since the April 1994 testimony of tobacco industry representatives before the House Subcommittee on Health and the Environment.

RESPONSE: Subject to and without waiving its General Objections, Philip Morris admits this Request. Further responding, Philip Morris states that there are and have been various definitions of "addiction" over the years and the definition of "addiction" as used by the public health community has changed over the years. However, Philip Morris decided as a matter of corporate policy to refrain from publicly debating the appropriate definition of "addiction" and to align its view on cigarette smoking and addiction with that of the public health community and the overwhelming consensus that exists in the medical and scientific communities that cigarette smoking is addictive.

REQUEST NO. 70: Admit that you have stated publicly from 1954 to the present that you do not market cigarettes to persons under 21 years of age.

RESPONSE: Philip Morris objects to the phrase "stated publicly" as used in this Request on the grounds that it is vague and ambiguous. Subject to and without waiving its specific and General Objections, Philip Morris denies this Request. Further responding, Philip Morris states that it has stated over the years that it markets its cigarettes only to existing smokers of legal age for purchasing cigarettes. Philip Morris also states that a substantial amount of its marketing activities are directed only to existing smokers who are 21 years of age and older.

REQUEST NO. 72: Admit that it is your position that "smoking is an adult custom" and that the word "adult" in the phrase "smoking is an adult custom," refers to persons 21 and over.